IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO.1304 OF 2004
IN
CRIMINAL APPEAL NO.380 OF 2004

State of Maharashtra Applicant

Vs.

Pankaj Ramanbhai Patel & ors. Respondent

Mr.K.V.Saste, APP for State.

CORAM: B.H.MARLAPALLE & SMT.R.S.DALVI,JJ.

January 20, 2006.

P.C.

. Heard the learned APP. The State has filed an appeal against the order of acquittal passed in Criminal Case No.2138/P/1993 decided by the learned Metropolitan Magistrate, 43rd Court, Borivli, Mumbai on 3-6-2003, but belatedly. The delay caused is of 171 days. The respondent no.2 has been served and has filed an affidavit-in-reply opposing the application whereas the police authorities are not able to trace respondent nos.1 and 3. The explanation furnished by the State makes out good and sufficient reasons to condone the delay and hence the application is allowed in terms of prayer clause (a).

(SMT.R.S.DALVI,J.) (B.H.MARLAPALLE,J.)